

Docket No.: 257840US0RX

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 90/007,164

Applicants: Hirotoshi ISHIDA, et al.

Filing Date: August 10, 2004

For: SWEETENER COMPOSITION

Group Art Unit: 1761

Examiner: Thuy TRAN LIEN

SIR:

Attached hereto for filing are the following papers:

- > Letter
- October 6, 2006 PTO Date-Stamped Filing Receipt (COPY; ORIGINAL FILED IN USSN 10/722,678)
- ➤ Letter (COPY; ORIGINAL FILED IN USSN 10/722,678)
- Information Disclosure Statement under 37 CFR 1.97 (COPY; ORIGINAL FILED IN USSN 10/722,678)
- > PTO-1449 (COPY; ORIGINAL FILED IN USSN 10/722,678)
- Certificate of Service

No fee is believed to be due. In the event fees are due for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted.

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Ñ RE APPLICATION OF

HIROTOSHI ISHIDA, ET AL. : EXAMINER: TRAN LIEN, THUY

SERIAL NO: 90/007,164 :

FILED: AUGUST 10, 2004 : GROUP ART UNIT: 1761

FOR: SWEETENER COMPOSITION :

LETTER

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants submit a copy of the Information Disclosure Statement filed on October 6, 2006 with the United States Patent and Trademark Office in Reissue Application Serial Number 10/722,678 (now merged with the captioned Reexam proceeding). Applicants wish to make of record the references listed on the attached form PTO-1449 and respectfully request consideration of this Information Disclosure Statement.

Due to the volume of references cited, copies of the listed references are not attached, but can be provided upon request.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Norman F. Oblon

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Tel: (703) 413-3000 Fax: (703) 413 -2220 (OSMMN 06/04) John D Dellinger Attorney of Record Registration No. 50,436

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İ	Form PTO 1449	Form PTO 1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE			ATTY DOCKET NO.		SERIAL NO.	
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١	LIST OF	REFER	RENCES CITED BY AP	PLICANT	Hirotoshi ISHIDA, et al.			
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		AA	4,495,170	01/22/1985	BEYTS, et al.			04/22/1982
ı		AB	4,085,232	04/18/1978	EISENSTADT		6	12/17/1976
		AC	4,254,154	03/03/1981	EISENSTADT			10/30/1978
		AD	2,803,551	08/20/1957	HELGREN			08/29/1955
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ı		AF	3,653,923	04/04/1972	ISHII, ET AL.			02/27/1969
		AG	4,001,455	01/04/1977	LA VIA, ET AL.			02/05/1974
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		Al	5,480,668	01/02/1996	NOFRE, ET AL.			11/09/1993
ľ		AJ	5,510,508	04/23/1996	NOFRE, CLAUDE ET AL.			05/08/1995
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r		AQ	WO 99/30577	06/24/1999	WIPO			
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Γ		AS	47-23389	06/29/1972	JAPAN		YES	
Γ		AT		12/09/1999	WIPO			
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		AV	WO 99/30576	06/24/1999	WIPO			
Т	<u>-</u>		OTHER RE	EEDENCES (I	ncluding Author, Title, Date, Pertinent		_ \	
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		AW	Applied Science; Londo	or intense Swe on and New Yo	eteners in Soft Drinks." 1989. <u>Progress</u> ork (p. 169-214).	in Sweete	<u>ners</u> . Ed.	T.H. Grenby. Elsevier
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_			NY., (1991) p. 381-399.	- Latoriou 4C	STOCKHOLD. L. CO. IVIGIOCI DERREI,	Addition	onal Refer	ences sheet(s) attached
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ATTY DOCKET NO. SERIAL NO. Form PTO 1449 (Modified) ATMENT OF COMMERCE AND TRADEMARK OFFICE 245084US0RE 10/722,678 **APPLICANT** LIST OF REFERENCES CITED BY APPLICANT Hirotoshi ISHIDA, et al. **FILING DATE GROUP** November 28, 2003 1761 **U.S. PATENT DOCUMENTS EXAMINER DOCUMENT** SUB FILING DATE DATE NAME **CLASS** INITIAL **NUMBER CLASS** IF APPROPRIATE BA 5,474,791 12/12/1995 ZABLOCKI, ET AL. 10/20/1993 BB 6,692,778 02/17/2004 YATKA, ET AL. 12/05/2000 BC 6,372,278 04/16/2002 ISHIDA, ET AL. 11/08/2000 BD 6,372,279 04/16/2002 ISHIDA, ET AL. 11/08/2000 BE 6,444,251 09/03/2002 KISHISHITA, ET AL. 06/15/2000 BF BG BH ВІ BJ BK BL BM BN FOREIGN PATENT DOCUMENTS DOCUMENT **TRANSLATION** DATE COUNTRY NUMBER YES NO во WO 94/11391 05/26/1994 **WIPO** BP BQ BR BS BT BU вν OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.) Pajor, Laurie, Allison Vevang, and Kernon Gibes. Study Protocols: Ingestion of Sweetener Candidate NC-00723 in Food BW and Beverages." In Memorandum to Ihab Bishay on Dec. 17, 1998. Third Declaration of D. Eric Walters. Interference No. 105,246 (RES). 04/07/2005. BX Deposition of Masato Kawauchi, Interference No. 105,246 (RES); 04/02/2005 BY Lawless, Harry T. and Hildegarde Heymann. "Overview of Sensory ΒZ Principles and Practices." In Sensory Evaluation of Food: Principles and Additional References sheet(s) attached Practices; Aspen Publishers, Inc.: New York 1999, p. 623-646. Examiner **Date Considered** *Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449	U.S. DEPARTMENT OF COMMERCE	ATTY DOCKET NO.		SERIAL NO.		
(Modified)	PATENT AND TRADEMARK OFFICE	245084US0RE		10/722,678		
		APPLICANT				
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СС	Chung, Hai-Jung, 51, Food and Science Tech Abstract of "Measurement of Synergistic Effects of Binary Sweetener Mixtures." Journal of Food Science and Nutrition; 1997, 2 (4) 291-295.					
CD	Dong, Zedong et al "Crystal Structure and Physical Characterization of Neotame Methanol Solvate." <u>Journal of Chemical Crystallography</u> ; Vol. 29 No. 8, 1999, p. 967-975.					
CE	Dong, Zedong et al. "Crystal Structur October 2002, 1549-1553.	e of Neotame Anhydrate Polymorph G.	" Pharmace	utical Research, Vol. 19, No. 10,		
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CI	Fry, John. "Trends and Innovations in Low-Calorie Sweeteners." The World of Ingredients; p. 16-18 (Mar. – Apr. 1998).					
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CP	Mayhew, Dale A., et al. "Food Consum Taste: Differentiating Effects of Palatab Pharmacology: 38 (2003) p. 124-143.	ility from Toxicity in Dietary Safety Stud	lies." Regula	atory Toxicology and		
cq	Moncrieff, R. W. The Chemical Senses	s. New York: John Wiley and Sons, Inc.	(1941) p. 10	06-107.		
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	DC	Schiffman, S. S., et al. "Investigation of (1995) p. 105-120.	of Synergism in Binary Mixtures of Swe	eteners." <u>B</u>	rain Research Bulletin, 38(2)
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	DF	Stargel, W. Wayne, et al. "Neotame." 129-144.	In <u>Alternative Sweeteners</u> , ed. Nabors	L.; Marcel C	Dekker, Inc.: New York, 2001; p.
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	DH	Verdi, Robert J. and Larry L. Hood. "Ar 94-101.	dvantages of Alternative Sweetener Ble	ends." Food	Technology June 1993 47(6), p.
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DJ	Walters, Eric, et al. "Active Conforma Chemistry; 43(6) 2000, p. 1242-1245	ations of Neotame and other High-Potency Sv	weeteners." <u>Journal of Medicinal</u>
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DM	Yamane, Takeo, et al. Korin-Comper	ndia, entry Kanmiryo (Sweeteners), 1966 p. 2	16-217, Korinshoin, Tokyo.
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DU	Dubois, Grant E. and Janice F. Lee. " Senses, 7(3/4) 1983, p. 237-247.	A Simple Technique for the Evaluation of Ter	mporal Taste Properties." Chemical
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	DZ	Leatherhead Food International. Hig 5 June 2003, p. 1.1 – 10.18.	h Potency Sweeteners - All you Need to	Know. Lir	nTech and/or Connect Consulting; 4-
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	EE	Birch, Gordon G. "Modulation of Swe	eet Taste." <u>BioFactors 9</u> (1999) p. 73-80.	•	
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E	EL		izing Neural Networks for Screening and y & High Throughput Screening, 3(6) 20		
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E		Carr, B. Thomas, et al. Sensory Meth H. Manley; Marcel Dekker, Inc.: New Y	nods for Sweetener Evaluation. In <u>Flavor</u> York, 1993, p. 219-237.	Measuren	nent, eds. Chi-Tang Ho and Charles
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E	O'Carroll, Pat. "Sweetener Trends: Adverse Media Coverage is a Concern." The World of Food Ingredients, Feb./Mar. 2000, p. 36-38.				
Examiner	Examiner Date Considered				
Examiner: Initial conformance and	l if re d not	ference is considered, whether or not considered include copy of this form	citation is in conformance with MPEP 60	9; Draw lin	e through citation if not in
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Form PTO 1449	U.S. DEPARTMENT OF COMMERCE	ATTY DOCKET NO.	SERIAL NO.			
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	JA	Ajinomoto Co., Inc. v. NutraSweet Cor	mpany. Interference No. 105,246 (RES); NutraSwe	eet Misc. Motion 1 Reply.
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JH	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); NutraSweet's Reply No. 6, 04/13/2005.				
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JK	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); NutraSweet's Reply No. 10, 05/25/2005.				
JL	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); NutraSweet's Responses to Ajinomoto's Observations, 05/11/2005.				
JM	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Objections to NutraSweet's Exhibits, 12/2/2004.				
JN	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Objections to NutraSweet's Exhibits to NutraSweet Opposition Nos. 4-9, 02/18/2005.				
JO	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Objections to NutraSweet's Exhibits to NutraSweet Replies Nos. 2-7, 04/20/2005.				
JP	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 1, 10/12/2004.				
JQ	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 2 to NutraSweet's Preliminary Motion No. 2 Alleging Obviousness of Ajinomoto's Claims, 02/11/2005.				
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JS	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 4 to NutraSweet Preliminary Motion No. 4, 02/11/2005.				
JT	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 5 to NutraSweet Preliminary Motion No. 5, 02/11/2005.				
JU	NutraSweet's Preliminary Motion No. 6 2, 02/11/2005.	npany. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 6 to i for Judgment that Ajinomoto Claims 15-39 are Unpatentable under 35 USC §112, ¶			
JV	Ajinomoto Co., Inc. v. NutraSweet Com NutraSweet's Preliminary Motion No. 7 1, 02/11/2005.	pany. Interference No. 105,246 (RES) for Judgment that Ajinomoto Claims 15	; Ajinomoto's Opposition No. 7 to 5-39 are Unpatentable under 35 USC §112, ¶		
xaminer			Date Considered		
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	JX	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Ajinomoto's Opposition No. 10 to NutraSweet's Motion to Exclude or Suppress, 05/11/2005.				
	JY	Erstellung eines Compartmentmodells des Süßrezeptors zur Vorhersage der Süßintensität beliebiger Mischungen ausgewählter süßer Verbindungen in wässriger Lösung. September 9, 2001.				
	JZ	Ajinomoto Co., Inc. v. NutraSweet Company. Interference No. 105,246 (RES); Judgment Under 37 CFR §41.127. Filed June 9, 2006.				
Examiner			Date Con:			
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